

**Subject:** Lawsuit over LaBonge Destroyed Documents  
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# 1st Amendment Group Files Lawsuit over LaBonge Destroyed Documents

by [Allison B. Cohen](#) · September 1, 2016 Los Feliz Ledger

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The First Amendment Coalition filed a lawsuit in Los Angeles Superior Court August 23rd against the city of Los Angeles, alleging it has illegally destroyed public records and therefore has used taxpayer funds to “implement, enforce or otherwise carry out illegal policies and practices,” in doing so.

The coalition, a non-profit based out of San Rafael, CA, last February sent a California Public Records Act request to Los Angeles City Council President Herb Wesson requesting emails, letters, memos and notes either written by or sent to former Los Angeles City Councilmember Tom LaBonge in 2014 related the Los Angeles Dept. of Water and Power, the California Film Commission and concerning a proposed development in Sherman Oaks.

A March 2016 response to the coalition from Wesson's assistant Chief Deputy, Edward Johnson, indicated: "Our office conducted a search and have concluded that our office has no documents consistent with your request."

It is unclear why the coalition requested the documents from Wesson's office rather than the Los Angeles City Clerk. A request for comment from the attorney filing the complaint was not immediately returned.

In the 59-page suit, an attorney for the coalition claims the city has violated the California Public Records Act by being unable to supply the requested documents and for wrongfully destroying public records.

It has been widely reported, and city documents reveal, that [at least 113 boxes of documents from LaBonge's office](#) were ordered for destruction in the weeks prior to LaBonge's last day in office in July of 2015. Some of the boxes, however, were salvaged before they could be destroyed and were turned over to LaBonge's replacement Los Angeles City Councilmember David Ryu.

The lawsuit additionally claims the city used taxpayer funds to violate state law, specifically that it "used taxpayer funds to implement, enforce or otherwise carry out [illegal policies and practices](#)," regarding the destruction of LaBonge's documents.

As a result, the lawsuit is seeking an injunction against the city from "destroying any public records less than two years old...and from spending the money of the [c]ity and the State of California in furtherance of its illegal policies and practices which further the destruction of records that are less than two years old."

The lawsuit is the second known filing seeking remedies related to the destruction of LaBonge documents.

In the first, a Hollywood Hills homeowner had requested an approval of a land-use issue as a punitive measure against the city for [allegedly allowing documents related to his case be destroyed](#). A judge this summer ruled against the homeowner.

The latest lawsuit, however, may not be the last regarding the issue.

Los Feliz residents [Michael Miller](#) and Stephanie Scher, two former city attorneys

for multiple cities in Southern California, said they are continuing to seek their own remedy related to what has been confirmed as the wholesale destruction of public records by the city.

The couple said they plan to submit a request to Los Angeles Mayor Eric Garcetti this week demanding he perform his duty to ensure California and city law are “complied with in view of the fact they’ve not been in the past,” especially concerning transitioning councilmembers.

Scher and Miller claim Garcetti has failed in his duties overseeing the Los Angeles City Clerk’s office, which has, according to City Clerk Holly Wolcott, allowed the destruction of not just LaBonge’s public records, but other public officials’ records for years.

“We have a record here of serious violations of these duties,” said Miller. “The mayor needs to correct this now and show us how it has been corrected.”